

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>PLURIA GARDNER,</b>	)	<b>CASE NO. 1:20-cv-02368</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE</b>
	)	
<b>v.</b>	)	
	)	
<b>MICHAELS STORES, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

In accordance with 28 U.S.C. §§ 1332, 1441 and 1446, Defendants Michaels Stores, Inc. and Karen Hughes by their undersigned counsel, file this Notice of Removal on the following grounds:

1. On September 10, 2020, Plaintiff commenced this action by filing a Complaint against Defendants, seeking compensatory and other damages in the Cuyahoga County, Ohio Court of Common Pleas, Case No. CV 20 937043. A copy of the Complaint is attached hereto as Exhibit A.

2. On September 23, 2020, Defendants Michaels Stores, Inc. and Karen Hughes were served with a copy of the Complaint.

3. Defendants are timely filing this Notice of Removal to the United States District Court for the Northern District of Ohio, Eastern Division, within 30 days of service as required by 28 U.S.C. § 1446(b).

4. Plaintiff is a resident of Ohio. (Complaint ¶ 1.) Michaels Stores, Inc. is a Delaware Corporation with its principal place of business located in Texas. Karen Hughes is a resident of Georgia.

5. Plaintiff seeks an unspecified amount of damages “in excess of \$25,000 per claim.” (Complaint ¶ 1). Plaintiff characterizes her request for money damages as “substantial.” (Complaint ¶ 24.) “Where the plaintiff seeks in the complaint to recover some unspecified amount that is not obviously greater or less than the amount-in-controversy requirement, the defendant must prove by a preponderance of the evidence, that it is ‘more likely than not,’ that the plaintiff’s claims meet the federal amount-in-controversy requirement.” *Gafford v. General Electric Co.*, 997 F.2d 150, 158 (6<sup>th</sup> Cir. 1993); *Finnegan v. Wendy's Int'l, Inc.*, No. 2:08-CV-185, 2008 WL 2078068, at \*1 (S.D. Ohio May 13, 2008). Although Defendant disputes liability in this matter, Plaintiff’s damages alleged in the Complaint surpass the \$75,000.00 threshold.

6. Plaintiff seeks, among other things, money damages related to alleged defamation and “other and further relief.” (Complaint, final paragraph). Plaintiff will presumably seek lost wages and other compensatory damages in connection with her claim, which through trial, would exceed the jurisdictional threshold. *Aldrich v. Univ. of Phoenix*, No. 3:15-CV-00578-JHM, 2015 WL 5923594, at \*4 (W.D. Ky. Oct. 9, 2015) (denying motion to remand where alleged damages through completion of trial would exceed jurisdictional threshold). Based exclusively on the economic and compensatory damages alleged, it is far more likely than not that the valuation of damages exceeds \$75,000.

7. Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because of the diversity of citizenship between the parties and because it is more likely than not that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C.

§ 1332 because of the diversity of citizenship between the parties and because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

9. Upon filing this Notice of Removal with the Clerk of the United States District Court for the Northern District of Ohio, Eastern Division, Defendants are giving written notice hereof to Plaintiff and also is filing a copy of this Notice of Removal with the Cuyahoga County, Ohio Court of Common Pleas.

WHEREFORE, notice is given that this action is removed from the Cuyahoga County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division. Defendants respectfully request that this Court enter such further Orders and grant such further relief as may be necessary to secure the removal of this action and prevent further proceedings in the state court, and grant such other relief as this Court deems appropriate.

Respectfully submitted,

/s/ Rebecca J. Bennett  
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*Attorneys for Defendants  
Michaels Stores, Inc. and Karen Hughes*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF REMOVAL** was filed with the Court's Electronic Case Filing system (ECF), and a copy was electronically served and manually served via regular US Mail, postage prepaid, this 16th day of October 2020, upon the following:

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/s/ Rebecca J. Bennett  
Rebecca J. Bennett  
One of the Attorney for Defendants

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